

United States District Court

WESTERN DISTRICT OF WASHINGTON

WARREN DEAN MAKO, individually and as
personal representative of the ESTATE OF
DONNA MAKO,

PLAINTIFF

v.

BURLINGTON NORTHERN & SANTA FE
RAILROAD, NATIONAL RAILROAD PASSENGER
CORPORATION AND SUBSIDIARIES, a.k.a. AMTRAK,
COUNTY OF COWLITZ,

DEFENDANT

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C07-5346FDB

_____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X _____ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

(1) Defendants BNSF's and Amtrak's Motion for Summary Judgment of Dismissal [Dkt. #62] is GRANTED and this cause of action is DISMISSED;

(2) Defendants BNSF's and Amtrak's Motion To Exclude Richard Gill, Ph.D. and F. Denman Lee, Ph.D is GRANTED.

(3) All causes of action against all Defendants in this case having been dismissed, the Clerk of the Court shall enter Judgment in favor of Defendants Burlington Northern & Santa Fe Railroad, National Railroad Passenger Corporation (Amtrak), and Cowlitz County, and close this case.

February 13, 2009 _____

BRUCE RIFKIN
Clerk

/s/ Pat LeFrois

Deputy Clerk